

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(113)

CRR-2074-2022 (O&M)

Date of decision :-10.10.2022

Abhishek Sharma and others

...Petitioners

Versus

Zinnia Sharma

...Respondent

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kanwar Pahul Singh, Advocate
for the petitioners.

...

SUVIR SEHGAL, J (ORAL)

By way of present criminal revision petition filed under Section 397/401 of the Code of Criminal Procedure, 1973, petitioners are seeking setting aside of orders dated 29.07.2022 and 01.09.2022 passed by learned JMIC, Amritsar, in case bearing COMA No.118/2015 dated 30.01.2015 titled as Zinnia Sharma versus Abhishek Sharma etc.

Counsel for the petitioners submits that the respondent has filed a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short "the DV Act"), wherein the petitioners had put in appearance, but by virtue of impugned order dated 29.07.2022, their defence has been struck off and an application filed by them for permission to file written statement, has been

declined vide impugned order dated 01.09.2022. Counsel submits that the petitioners be granted one opportunity to file their respective written statements.

Prayer made by the counsel for the petitioners has been considered.

Considering the nature of order proposed to be passed, this Court does not deem it appropriate to issue notice to the respondent as it will further cause more delay in the proceedings.

It is evident from the record that the petitioners have been remiss in filing their response and despite having put in appearance and availing numerous opportunities, they have managed to delay the proceedings for years together. Despite the fact that the complaint was filed in 2015, even 7 years later, it continues to be at its initial stage.

In view of the above circumstances, the impugned orders do not call for any interference. However, keeping in view the fact that in case the petitioners are not allowed to file their response, their case will be seriously prejudiced, this Court is of the opinion that they deserve to be granted one opportunity for filing of their written statements and the interest of the respondent can be secured by imposing adequate compensatory cost upon the petitioners.

In view of the above, petition is disposed of with a direction to the Trial Court to grant one opportunity to the petitioners to file their written statements, which will be subject to payment of cost of Rs.10,000/- by each of the five petitioners. The payment of cost to the respondent will be a condition precedent to the grant of opportunity to the petitioners.

It is clarified that in case the petitioners fail to deposit the cost or avail the opportunity granted to them, petition shall be treated to have been dismissed.

(SUVIR SEHGAL)
JUDGE

10.10.2022
Pardeep

Whether speaking/reasoned	Yes
Whether reportable	Yes